



Entered on Docket
November 03, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Fifth Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based In Part Upon Investment In The
Ocean Atlantic (Second) Loan**

Hearing Date: October 18, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Fifth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Ocean Atlantic (Second) Loan ("Ocean Atlantic (Second) Loan") [DE 9107] (the "Objection"); the Court having heard the Objection on October 18, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct

lenders' right to repayment by the borrower or from the collateral securing the Ocean Atlantic (Second) Loan; and good cause appearing:

IT IS ORDERED that:

1. The Objection [DE 9107] is sustained; and
2. The claims listed on **Exhibit A** attached are disallowed to the extent those claims are based upon an investment in the Ocean Atlantic (Second) Loan.

PREPARED AND RESPECTFULLY SUBMITTED BY:

LEWIS AND ROCA LLP

By /s/ John Hinderaker (AZ #018024)

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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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USACM Trust

Ocean Atlantic

Multiple Loan Claims

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Ocean Atlantic Loan
10725-00437	10/4/2006	Toombes, Patsy	Po Box 11665 Zephyr Cove, NV 89448	371,435.14	50,000.00
10725-02163	1/12/2007	Voglis, Marietta	3333 Allen Prky. Unit 1102 Houston, TX 77019	724,292.85	50,000.00
10725-00148	8/15/2006	Welcher, Andrew	C/O William E Winfield Esq Nordman Cormany Hair & Compton LLP 1000 Town Center Drive, 6 th Floor Oxnard, CA 93030	Contingent/ Unliquidated	Contingent/ Unliquidated
10725-02367	1/16/2007	Whitman Trust Dtd 12/01/04	C/O H Daniel Whitman Ttee PO Box 10200 Zephyr Cove, NV 89448-2200	406,413.64	25,000.00

EXHIBIT A

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